

United States District Court

for the

Western District of New York



United States of America

v.

Case No. 19-MJ-- **655**

CHARLES REGALBUTO

Defendant

CRIMINAL COMPLAINT

I, NICHOLAS MAZZOLA, the complainant in this case, state that the following is true to the best of my knowledge and belief that in the Western District of New York, the defendant violated offenses described as follows:

Beginning in or about April 2014 through October 2017, in the Western District of New York and elsewhere, the defendant, **CHARLES REGALBUTO**, did knowingly distribute child pornography that had been transported in interstate or foreign commerce by computer, in violation of Title 18, United States Code, Section 2252A(a)(2)(A);

and did knowingly with the intent to injure, harass, intimidate, use any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that causes, attempts to cause or would be reasonably expected to have caused substantial emotional distress to a person, in violation of Title 18, United States Code, Section 2261A(2)(B).

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT NICHOLAS MAZZOLA, FBI.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

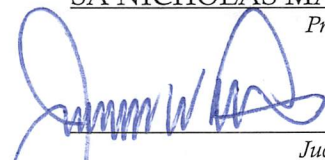
Sworn to before me and signed in my presence.

Date: July 18, 2019

City and State: Rochester, New York


Complainant's signature

SA NICHOLAS MAZZOLA (FBI)
Printed name and title


Judge's signature

HONORABLE JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE
Printed name and title

19M0655

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, Nicholas Mazzola, being duly sworn, depose and state the following:

1. I am a police investigator employed by the Rochester Police Department and am currently assigned as a Task Force Officer on the FBI Cyber Squad, Buffalo Division, in Rochester, NY. I have been a police officer since 1994, an investigator since 2003, and was assigned to the Major Crimes Unit from January, 2011 to December, 2018. I have attended numerous courses in criminal investigations, and have had the opportunity to conduct, coordinate and or participate in a number of successful investigations involving burglaries, robberies, weapons possession, assaults, larcenies, cyber and economic crimes, child pornography/ exploitation, and homicides, and have interviewed hundreds of defendants, victims, witnesses and others who have been involved in such offenses.

2. I make this affidavit in support of a criminal complaint charging CHARLES REGALBUTO, with violation of Title 18, United States Code, Section 2252A(a)(2)(A) (Distribution of Child Pornography) and Title 18, United States Code, Section 2261A(2)(B), (Cyber Stalking).

3. All information contained in this affidavit is either personally known by me or has been related to me by other law enforcement agents. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each

and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that CHARLES REGALBUTO did knowingly violate Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2261A(2)(B), (Cyber Stalking).

4. On February 19, 2019, a female (hereinafter, "Victim") was interviewed by members of the FBI. In sum, Victim said she began dating Charles REGALBUTO, DOB: 01/XX/93, on October 14, 2010. Victim was 15 years of age and REGALBUTO was 17 years old and a senior in high school. REGALBUTO went away to college after graduating high school. While in college, REGALBUTO asked Victim to send naked pictures of herself. REGALBUTO told Victim that he would delete the photos. Victim initially declined but later did so. She sent two naked photos of herself via text message from her cell phone to REGALBUTO's cell phone XXX-XXX-9184. The photos showed Victim's breasts and vagina while masturbating in one photo and the Victim's vagina while masturbating in the other. Neither photo showed the Victim's face. The photos were taken by Victim in or around September 2011. Victim said she was 16 or 17 years old at the time. REGALBUTO had also taken two naked photos of Victim in May 2011 in his bedroom in Congers, NY, which showed Victim's full naked body, including her face and vagina. Copies of the photos reviewed by members of the FBI and confirmed to contain the images described above.

5. Victim said REGALBUTO dropped out of college around November 2011. Victim graduated high school in June 2013 and began college at the Rochester Institute of Technology that fall. While at college, her relationship with REGALBUTO deteriorated and ultimately ended on April 17, 2014. That same day, REGALBUTO began to harass, threaten, and torment Victim. He began sending multiple alarming and threatening texts to Victim from his cell phone XXX-XXX--9184 to include the following:

REGALBUTO: Unblock me

REGALBUTO: Ill fucking kill yoy"[Your Affiant believes REGALBUTO intended to text 'you' based on the character 'Y' is next to the character 'U' on traditional U.S. keyboards]

REGALBUTO: Don't forget who has your nudes slut [text message was followed by REGALBUTO sending five photos of Victim to Victim's phone. Of the five photos, two were of Victim previously mentioned (one naked photo of Victim masturbating showing her vagina and one naked photo of Victim in REGALBUTO's bedroom);

REGALBUTO: Twitter or Instagram? [Your Affiant believes this is a reference to which social media platform REGALBUTO was asking to post the naked pictures.];

Victim: Im 17 in most of those and that's literally illegal

REGALBUTO: I don't give a fuck

REGALBUTO: Ill ruin your life the way you ruined mine.....Good youre 17? Maybe ill try to get kid porn pressed against you. And once it's up is out there forever...Congrats im going to go to jail and be a registered sex offender...Youre so lucky I don't have enough service in this building but I swear once I leave it's done.

Victim and REGALBUTO also spoke on the phone that day, at which time he threatened to kill her.

6. On May 26, 2014, REGALBUTO acknowledged he threatened to post Victim's naked photos. At 11:50 pm, REGALBUTO sent a text message to Victim stating, "I fucked up beyond belief and I don't deserve your forgiveness but I love you and I want to make everything ok I want to show you that that's not me".

7. As a result of REGALBUTO's behavior and actions, Victim petitioned the Rockland County Family Court for an order of protection in 2014, which was granted. The order required REGALBUTO to stay at least 200 feet away from Victim and have no contact with her for a period of one year. The contact, based upon text messages provided by the Victim, continued throughout the period of the order of protection and beyond.

8. REGALBUTO routinely used threats of suicide to keep Victim from ending their communications. He would send Victim countless text messages that would go unanswered. Several examples are as follows:

- 10/23/14 at 2:48 am, "You were the worst thing to ever happen to me. You're a dumb cunt who fucked up my whole life and made me a bad person. Thanks [Victim first name], I hope youre fucking happy"

- 10/23/14 at 02:58 am, "The only thing I wanted to do. Was love you.and make.you happy. Why couldn't you let me donthat"

- 10/25/14 at 4:34 am, "Hey"
- 10/25/14 at 2:37 pm, "I dream about you every night"
- 10/25/14 at 3:15 pm, "This is why I'm gonna kill myself"

9. REGALBUTO referenced blackmailing Victim in text messages, said he deleted her photos, only to later say he still had them, as follows:

- 11/22/14 at 2:58 pm, "If it means anything I've deleted all the pics I have of you"
- 11/22/14 at 2:59 pm, "I'm just trying to show you that I'm not that same guy who's gonna try to guilt you or blackmail you. I don't want your pity or your sympathy. I want you to be happy and I want to show you that I'm not an asshole anymore"
- 02/24/15 at 8:26 pm, "I still have pictures of you"

10. Text messages from 4/17/14 to 11/12/16 were extracted and captured from Victim's phone to include the text messages listed above, as well as other long periods of unanswered texts sent by REGALBUTO and exchanges between Victim and REGABUTO, where he stalked and extorted Victim.

11. In November of 2016, Victim changed her cell number. Around the time of December, 2016, Victim began receiving messages by unknown people on Facebook, who would tell her someone claiming to be her boyfriend was posting naked pictures of her on the Internet.

12. On May 18, 2017, Victim was contacted by “Wew Lad” on Facebook. Wew Lad sent her a message, saying a person named “Greg Macdugal” was sharing naked pictures of her on Reddit, among other sites. Wew Lad provided Victim with screen shots of a conversation on Kik between him and “Greg Macdougall frogger7776”. The conversation on Kik also had the naked photos of Victim, previously described.

13. In June of 2017, Victim was contacted by a user Maddiegirlphoto on Instagram. The user was blackmailing Victim by asking her for naked pictures to confirm the ones in Maddiegirlphoto’s possession were actually her. The messages became increasingly aggressive and threatening. Maddiegirlphoto sent the naked pictures taken of Victim in REGALBUTO’s bedroom, previously described. The user also electronically distributed the same naked photos to Victim’s college classmate at RIT and a friend from home.

14. On September 23, 2017, the New York State Police (NYSP) requested information from kik.com regarding user “frogger7776”. Results showed the name listed as Greg Macdougall with an email address of frogger7776@gmail.com. Kik also provided 14 pages of IP addresses from 09/15/17 to 10/09/17 associated with this account. An IP address of 69.127.137.176 was listed about 215 times. The IP address 70.214.115.168 was the last one listed in the records provided (10/09/17 at 1555 UTC).

15. In October 2017, Victim was contacted on Facebook by user Ben Peterson. The user told Victim he got her naked pictures from user frogger7776 on Kik. Victim identified the contact from Ben Peterson as an opportunity to identify the IP address of frogger7776. As such, she researched on the Internet and Grabify IP Logger as an online service to do the same. Your Affiant reviewed the website grabify.link and identified a website designed to track the IP addresses of a user specified link. Victim asked Ben Peterson to contact Greg Macdougall and send him the link <http://short.co/NBMJOF.jpg>. If Macdougall were to click on the link, the device information and IP address would be captured through the Grabify website. Ben Peterson sent the link to Greg Macdougall, who subsequently clicked on the link. Victim reviewed a notification sent by Grabify which revealed the device used was an Apple iPhone, from IP address 69.127.137.176 in Congers, NY, 10/09/17 at 0734 hours EST. The IP address returned to Optimum Online (Cablevision Systems).

16. On October 11, 2017, Victim sent Investigator Solomone (NYSP) a screenshot she received from "Ben Peterson". The screenshot was a message on Kik from "Greg Macdougall", indicating anyone could go to <https://www.pornhub.com/album/19817831> to "find his gf". Investigator Solomone was able to capture nude photos (previously described) of Victim. The pornhub.com user titled the photos as "[Victim first name] Her BF KIK is Frogger7776".

17. NYSP requested information from Optimum Online for IP address 69.127.137.176 on 10/09/17 at 0734 EST and 09/20/17 at 0302:38 UTC, the latter being a date and time provided by Kik.com documents. Both IP addresses returned to account number 07873-125323-02, subscriber name Kerri Regalbuto of 26 The Rise, Congers, NY 10920, that being the mother and home address of Charles REGALBUTO.

18. NYSP requested information from Verizon Wireless for IP address 70.214.115.168, specifically from 10/09/17 at 1555:10 UTC. The IP address had been obtained from documents provided by Kik. Results from Verizon Wireless showed the IP address returned to a natting router, which means a number of different devices could be connected at the same time. Within the listed phone numbers using IP 70.214.115.168, #845-521-9184 is captured at least ten times. NYSP requested subscriber information from Verizon Wireless for #XXX-XXX-9184, which showed the subscriber to be Charles Regalbuto of 26 The Rise, Congers, NY, 10920.

19. On 12/08/17, Charles REGALBUTO was interviewed by the NYSP after he was advised of his Miranda rights and waived same. In sum, REGALBUTO provided his date of birth as 01/23/93 and a home address of 26 The Rise, Congers, NY. REGALBUTO said his ex-girlfriend was [Victim first and last name]. He started a Kik account with a user name, frogger7776 and an email frogger7776@gmail.com. REGALBUTO created the account on his cell phone while he was at home. He posted nude pictures of his ex-girlfriend Victim "a few dozen times" to random people from his Kik account. REGALBUTO also

posted nude pictures of her 2-3 times after learning she had reported the activity to the police. REGALBUTO provided a signed, written statement to the New York State Police.

20. Victim, through her own research, has identified the same naked pictures of herself on numerous websites. Based upon my training and experience, your Affiant knows that digital images, particularly naked images, are extremely difficult to remove from the Internet. Once those images have been posted, they can be downloaded and reposted in perpetuity. Your Affiant knows that the distribution of these images on numerous websites, whether done directly by REGALBUTO, are undoubtedly a result of his original postings. Your Affiant also knows, based upon my training and experience, that these photos are likely to remaining on the Internet indefinitely.

21. Based on my training and experience, the above described images meet the federal definition of "child pornography", as defined in Title 18, United States Code, Section 2256(8).

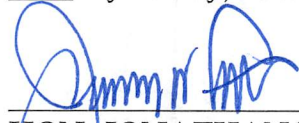
22. WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that Charles REGABUTO did knowingly violate Title 18, United

States Code, Section 2252A(a)(2)(A) (Distribution of Child Pornography) and Title 18,
United States Code, Section 2261A(2)(B), (Cyber Stalking).



NICHOLAS MAZZOLA
FBI Task Force Officer

Sworn to before me this
19 day of July, 2019.



HON. JONATHAN W. FELDMAN
United States Magistrate Judge